

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MARTIN ARNOLDINI,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM DECISION AND
ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF
FEDERAL PUBLIC DEFENDER

Civil Case No. 2:08-CV-305 TS
Criminal Case No. 2:04-CR-226 TS

This matter is before the Court on Petitioner's Motion for Appointment of Federal Public Defendant. On April 23, 2009, the Court denied Petitioner's Motion under 28 U.S.C. § 2255. Petitioner has since appealed that decision and requests this Court appoint counsel to assist him to pursue that appeal.

There is no constitutional right to counsel beyond the direct appeal of a conviction.¹ Under Rule 8(c) of the Rules Governing Section 2255 Proceedings for the United States District Courts, a petitioner is entitled to appointed counsel if the Court determines that an evidentiary

¹*Swazo v. Wyo. Dep't of Corr.*, 23 F.3d 332, 333 (10th Cir. 1994).

hearing is warranted. Rule 8(c) also allows that appointment of counsel at any stage of the proceeding.

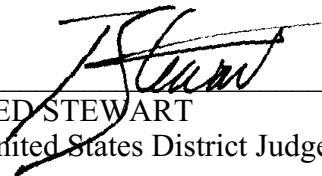
In this matter, the Court determined that an evidentiary hearing was not warranted. For substantially the same reasons that the Court found that an evidentiary hearing was unwarranted, the Court will deny Petitioner's request for appointment of counsel on appeal.

It is therefore

ORDERED that Petitioner's Motion for Appointment of Federal Public Defender (Docket No. 8) is DENIED.

DATED June 17, 2009.

BY THE COURT:



TED STEWART
United States District Judge